

Court of Appeals, State of Michigan

ORDER

People of MI v Edward Hart

Docket No. 281813

LC No. 07-007134

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

In lieu of granting the application, the Court, pursuant to MCR 7.205(D)(2), hereby REVERSES the September 20, 2007 order granting defendant's motion to suppress. Even assuming, without deciding that Hill did not have common authority over the searched items such that she could consent to the search, the warrantless search was nonetheless valid because the police officers reasonably believed that Hill had authority over the items. *People v Goforth*, 222 Mich App 306, 312; 564 NW2d 526 (1997), citing *Illinois v Rodriquez*, 497 US 177, 188-189; 110 S Ct 2793; 111 L Ed 2d 148 (1990). It is undisputed that the officers on the scene were informed by Hill that defendant abandoned the items at the house, and that they were shown a Judgment of Divorce reflecting that was likely the case. This evidence supported the officer's reasonable belief, and there was an absence of further evidence which would require additional inquiry by the officers. *Goforth, supra*.

The motion for stay is DENIED as moot.

The motion to file a late answer is GRANTED.

This order is to have immediate effect.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 24 2008

Date

Sandra Schultz Mengel
Chief Clerk